

10/797,273MS306991.01/MSFTP565US**REMARKS**

Claims 1-38 are currently pending in the subject application and are presently under consideration. Claims 1, 3, 4, 7, 8, 14, 16, 17, 22, 24, 29, 30, 32 and 35 have been amended as shown at pages 2-6 of the Reply.

Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

I. Rejection of Claims 1, 14, 17, 24 and 32 Under 35 U.S.C §112

Claims 1, 14, 17, 24 and 32 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Independent claims 1, 14, 17, 24 and 32 have amended to cure any deficiencies related to this rejection. Accordingly withdrawal of this rejection is respectfully requested.

II. Rejection of Claims 1-38 Under 35 U.S.C. §102(e)

Claims 1-38 stand rejected under 35 U.S.C. §102(e) as being anticipated by Bates *et al.* (US Patent 6,631,181). It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. Bates *et al.* does not teach each and every element of applicants' invention as recited in the subject claims.

A single prior art reference anticipates a patent claim only if it expressly or inherently describes each and every limitation set forth in the patent claim. *Trintec Industries, Inc., v. Top-U.S.A. Corp.*, 295 F.3d 1292, 63 U.S.P.Q.2D 1597 (Fed. Cir. 2002); *See Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the ... claim. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

The subject invention relates to a call processing system that utilizes caller identification information along with call recipient preferences and status to determine an appropriate response, such as a personalized message, forwarding the call to an appropriate device, activating voicemail, or translating a response message into a language appropriate for the caller. In

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particular, independent claim 1 (and similarly independent claims 14, 17, 24 and 32) recites *generating a customized response in accordance with user defined preferences, the preferences define responses based at least upon an inferred current status of the called user based upon at least one of the called user's calendar application, video camera, microphone, keyboard, PDA, vehicle, and GPS, the inferred current status is based upon at least a probabilistic model.*

Bates *et al.* does not teach or suggest the aforementioned novel aspects of applicants' invention as recited in the subject claims. The cited art discloses a call processing system that employs caller identification information to select an appropriate response message, which may be personalized to the caller. However, Bates *et al.* is silent regarding employing a probabilistic model to determine the current status of the called user. Furthermore, contrary to assertions in the Office Action, the cited art does not disclose GPS or a calendar application. Bates *et al.* discloses employing the caller identification information, such as area code to determine the location of the caller. This is not equivalent to GPS. GPS is a well-defined system employing satellite triangulation to determine location. Moreover, the cited art merely mentions a subscriber's schedule without disclosing any calendar application as the means for maintaining the schedule. Therefore, Shaw fails to teach or suggest that the preferences define responses based at least upon an inferred current status of the called user based upon at least one of the called user's calendar application, video camera, microphone, keyboard, PDA, vehicle, and GPS, the inferred current status is based upon at least a probabilistic model.

In view of at least the foregoing discussion, applicants' representative respectfully submits that Bates *et al.* fails to teach or suggest all limitations of applicants' invention as recited in independent claims 1, 14, 17, 24 and 32 (and all claims that respectfully depend there from), and thus fails to anticipate the subject claimed invention. Accordingly, withdrawal of this rejection is respectfully requested.

10/797,273MS306991.01/MSFTP565US**CONCLUSION**

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [MSFTP565US].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

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